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BEFORE THE ARIZONA CORPORATION COMMISSION

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KRISTIN K. MAYES - Chairman
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2009 DEC -4 P 2:02

AZ CORP COMMISSION
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Arizona Corporation Commission

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IN THE MATTER OF THE REVIEW AND
POSSIBLE REVISION OF ARIZONA
UNIVERSAL SERVICE FUND RULES, ARTICLE
12 OF THE ARIZONA ADMINISTRATIVE CODE.

DOCKET NO. RT-00000H-97-0137

IN THE MATTER OF THE INVESTIGATION OF
THE COST OF TELECOMMUNICATIONS
ACCESS.

DOCKET NO. T-00000D-00-0672

PROCEDURAL ORDER**BY THE COMMISSION:**

By Procedural Order dated November 13, 2009, AT&T was ordered to produce contracts responsive to Qwest Data Request.

On November 20, 2009, tw telecom of arizona llc ("tw") filed a Motion for Authorization to Redact Contract. twt argues that Qwest's request for contracts is very broad and many of the contracts produced would contain proprietary information regarding prices, volumes, and customer locations for products that are not regulated by the Arizona Corporation Commission ("Commission") and are unrelated to intrastate switched access. twt states that it will not redact any rates, terms or conditions related to intrastate switched access and requests that it be permitted to redact proprietary information unrelated to intrastate switched access. twt stats further that to the extent these contracts have been produced in actual complaint proceedings in Colorado and California, many have been similarly redacted.

On November 23, 2009, Qwest filed a Response to twt's Motion and argues the Motion should be denied. Qwest state that the Protective Order entered in this docket provides for the secure handling, limited access, and restricted uses of Confidential and Highly Confidential Information, and twt makes no claim that the Protective Order is inadequate to protect its information. Qwest states

1 further that neither does twt claim that Qwest or any other entity has abused, or is likely to abuse the
2 terms of the Protective Order. Qwest argues that by its request to redact content, twt is asking
3 everyone to accept twt's judgment that the information would be unrelated to intrastate switched
4 access. Qwest believes that it should be afforded the opportunity to reach its own conclusions, and
5 cites that based on past experience, CLECs could enter into contracts with an IXC in which the
6 nominal contract rate for intrastate switched access is effectively discounted by other contract
7 sections, as the result of the purchase of unrelated services by the IXC. In those circumstances,
8 Qwest argues the entire contract must be examined to determine whether sections of the contract are
9 truly "unrelated" to intrastate switched access pricing.

10 On November 24, 2009, twt filed a Reply in Support of its Motion. twt states that on
11 November 23, 2008, twt produced the contract amendment dated December 18, 2008 in redacted
12 form to Qwest (the intrastate switched access rate information was not redacted). twt recommends
13 that Qwest review the amendment and judge whether the redacted portions of the amendment are
14 relevant. twt asserts that if the amendment does not set an intrastate switched access rate that differs
15 from twt's filed intrastate tariff rate, then the remainder of the amendment is not relevant to the
16 policy discussion Qwest has raised in this proceeding.

17 Qwest has raised the policy issue of whether local carriers should be able to contract with
18 interexchange carriers for intrastate access charges that are outside the range of the local carriers'
19 filed intrastate access rates. twt provided Qwest with a copy of a contract responsive to a subpoena
20 duces tecum, with proprietary information, other than the intrastate access rates redacted. While
21 Qwest makes a good argument for production of the entire un-redacted contract, twt's argument that
22 if the intrastate access charges are within the filed ranged, then the rest of the contract would appear
23 not to be relevant to Qwest's inquiry. Consequently, twt's Motion for authority to redact portions of
24 the contract amendment unrelated to the rates, terms or conditions of intrastate switched access
25 services is granted. Qwest may file a request for the production of the entire un-redacted amendment
26 if, after review of the redacted amendment that has already been produced, it continues to believe that
27 the un-redacted version is relevant to the inquiry in this docket.
28

1 IT IS THEREFORE ORDERED that twt's Motion for authority to redact portions of the
2 contract is granted.

3 IT IS FURTHER ORDERED that nothing herein shall prevent Qwest, after review of the
4 redacted contract, from requesting production of the entire un-redacted contract.

5 IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive
6 any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

7 DATED this 27th day of November, 2009.

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10 
11 JANE L. RODDA
12 ADMINISTRATIVE LAW JUDGE
13
14

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16 this 27th day of November, 2009 to:

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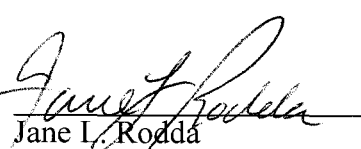
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